



ACTION MINUTES
PACIFIC GROVE CITY COUNCIL and
SPECIAL MEETING OF THE
ECONOMIC ADVISORY COMMITTEE

Wednesday, May 21, 2008

6:00 P.M.

Council Chambers – City Hall – 300 Forest Avenue

APPROVAL OF AGENDA

COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Stilwell, and carried, with Council Member Davis absent, Council moved to remove Regular Agenda Item No. 7.A as an item for consideration by the Council, open it to Public Comment, and moved approval of the Agenda.

COUNCIL AND STAFF ANNOUNCEMENTS

A. Council Referral Update

- **Council Member Bennett** requested:
 - Review of the City's water waiting list by the Council be placed on the Agenda on a regular basis of at least every six (6) months as required by Municipal Code 11.68.060.
 - Creation of a front page for the Council Agenda containing explanation and instructions regarding Council meetings.
- **Council Member Miller** noted that the Council is also required to monitor the Forest Hill Manor's water usage and requested that a report be brought back to the Council.

B. Announcements

- **Council Member Cohen** said that he had been asked questions by the public regarding current City employee recruitment and asked what positions were being advertised. City Manager Colangelo informed the Council that the positions of Golf Superintendent, Senior Planner, City Attorney, and Parking Enforcement Officer were at various stages of the recruitment process. Council Member Cohen also asked about new Brown Act rules. City Attorney Laredo explained they had to do with the availability to the public of any supplemental Agenda materials distributed to Council Members within 72 hours of a scheduled meeting.
- **Council Member Bennett** informed the Council that she and Council Member Cohen were continuing to meet with innkeepers and review Measure C and would bring back a report to the Council at a future meeting.
- **Council Member Stilwell** announced that May 24, 2008 would be the last day her business, the Woodenickel, would be open and expressed appreciation for all of the support they had received.
- **City Attorney Laredo** announced that his office would be conducting AB1234-Ethics Training on May 29, 2008 from 9:30 to 11:30 a.m. with a focus on new appointees.

ORAL COMMUNICATIONS

(Comments from the audience will not receive Council action. Comments must deal with matters subject to the jurisdiction of the City and the Council and will be limited to three minutes. Comments regarding agenda items, not on the consent agenda, shall be heard prior to Council's consideration of such items at the time such items are called. Whenever possible, letters should be submitted to the Council in advance of the meeting.)

Reference: Mayor Cort

- **Sally Herrgott** expressed concern regarding the process used in placing on the Agenda items regarding the City's budget and rezoning in the downtown area.
- **Lisa Maddelena**, Interim Senior Librarian, reported to the Council on the recent fund-raising events held on behalf of the City Library.
- **Pat Herrgott** expressed concern that the Budget had not been considered as a Public Hearing. The past several years have had it on the Agenda as a Public Hearing.
- **Carmelita Garcia** also expressed concern that the Public Hearing section of the Agenda had not been included in this year's Agenda although several items considered by the Council had been advertised as such.
- **Snick Farkas** presented Colossus of Gold No. 272.

CONSENT AGENDA

(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Councilmember, member of the audience or staff may request that an item be placed on the regular agenda for further discussion. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.)

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, with Council Member Davis absent, and with Council Member Bennett abstaining from voting on Item No. 2.A due to possible conflict of interest, Council moved the recommended actions on the Consent Agenda.

1. APPROVAL OF CITY COUNCIL MEETING MINUTES

- A. Minutes of the May 7, 2008 City Council Meeting

Recommended Action: Approve

2. RESOLUTIONS

- A. **Resolution No. 08-021:** Consider a Resolution Authorizing the City Manager to Enter into an Annual Renewal of an Animal Sheltering Services Agreement Between the Society for the Prevention of Cruelty to Animals (SPCA) of Monterey County and the City of Pacific Grove

The Council will consider a Resolution authorizing the City Manager to sign an annual Agreement renewal with the SPCA for assistance in the provision of certain animal services as required by State law.

Reference: Police Chief Engles

Recommended Action: Adopt the Resolution

3. REPORTS OF STAFF

- A. Receive Golf Fund Financial Report for the Quarter Ended March 31, 2008
The Council will receive a quarterly report on the Golf Fund.
Reference: Jim Becklenberg, Director of Management and Budget
Recommended Action: Receive the Report
- B. **Resolution No. 08-022:** Consider the Adoption of a Resolution Approving an Employment Agreement with Mark Walker to Serve as the Interim Museum Curator
The Council will consider the adoption of a Resolution approving an employment agreement with Mark Walker to serve as the Interim Curator for the Museum on a part-time basis.
Reference: City Manager Colangelo
Recommended Action: Adopt the Resolution
- C. Claim for Damages No. L2008-02 / FEEMSTER, John
Council will consider a claim from an injured party and determine whether to approve the claim or deny and refer the matter back to staff. If the claim is denied as recommended, the claimant will have six (6) months to file legal action.
Reference: Paula Fry, Management Analyst
Recommended Action: Deny claim and refer the matter back to staff

4. REPORTS OF COMMISSIONS, BOARDS, AND STANDING COMMITTEES

- A. Draft Meeting Minutes of the May 13, 2008 Architectural Review Board
Recommended Action: Receive
- B. Meeting Minutes of the April 24, 2008 Housing Committee Special Meeting
Recommended Action: Receive
- C. Draft Meeting Minutes of the May 8, 2008 Planning Commission
Recommended Action: Receive
- D. Meeting Minutes of the March 11, 2008 Traffic Safety Commission
Recommended Action: Receive

REGULAR AGENDA**5. REPORTS OF BOARDS, COMMISSIONS AND STANDING COMMITTEES**

- A. Americans with Disabilities Act Compliance Advisory Committee
- B. Architectural Review Board
- C. Beautification and Natural Resources Committee
- D. Budget and Finance Committee
- E. Cultural Arts Commission
- F. Economic Advisory Committee
- G. Historic Resources Committee
- H. Housing Committee
- I. Library Board
- J. Museum Board
- K. Planning Commission
- L. Recreation Board

- M. Special Events Committee
- N. Traffic Safety Commission
- O. Monterey County Commission on Disabilities

6. OLD BUSINESS

- A. **Ordinance No. 08-012:** Hold a second reading of an Ordinance adding Chapter 6.12 to the City's Municipal Code for the establishment of the Impact Fee Program
On May 7, 2008 Council introduced an Ordinance adding Chapter 6.12 to the City's Municipal Code for the establishment of the fee program. If adopted, the Ordinance will go into effect 30 days from the date of adoption.

Reference: City Manager Colangelo

Recommended Action: Adopt the Ordinance

COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Miller, and carried, with Council Member Davis absent, Council moved the recommended action.

- B. **Ordinance No. 08-013:** Hold the Second Reading of an Ordinance to Approve the City Manager's Recommended Budget for Fiscal Year 2008/09
On May 7, 2008 Council introduced an Ordinance to approve the City Manager's recommended budget for Fiscal Year 2008/09. If adopted, the Ordinance will go into effect 30 days from the date of adoption.

Reference: Jim Becklenberg, Director of Management and Budget

Recommended Action: Adopt the Ordinance

At the beginning of the presentation of this item, a Memo was admitted as supplemental material indicating that due to a bequest to the Library, existing staffing levels would be retained through FY 2008/2009. This represents an immaterial change to the Budget as presented during the first reading of the Ordinance.

Moe Ammar, Chamber of Commerce President, informed the Council that the Chamber needed \$12,000 to reprint the brochures they use to promote the City's features and assets. Discussion of his request led to the direction given to staff in the final motion on the item.

COUNCIL ACTION: Upon motion of Mayor Cort, seconded by Council Member Cohen, and carried, with Council Member Davis absent, Council moved the recommended action, included the change regarding Library staffing, and further directed staff to allocate \$7,000 in the Budget for the printing of City brochures.

PUBLIC COMMENT

- **John Fisher** told the Council he felt more time needed to be spent in Council meeting discussing each departments proposed budget for the public's benefit.
- **Nancy Jacobs** expressed support for Moe Ammar's request and suggested looking into obtaining discounts on printing costs and other resources for promoting the City.

- **Sally Herrgott** expressed concern regarding the State’s mandate for CEQA historic assessment on houses 50 years or more old and the fact that the owner was expected to pay the fee.
- **Jeanne Byrne** stated that it was her understanding that the historic assessment requirement was not State law but was supported by case law.
- **Richard Stillwell** expressed support for Moe Ammar’s request.

7. NEW BUSINESS

REMOVED FROM AGENDA

- A. ~~Consider a Resolution of Intent to Terminate the City’s Contract with the California Public Employees Retirement System (CalPERS) for Employee Retirement Benefits~~

~~The Council will consider a Resolution of Intent to terminate the City’s contract as the first step required by CalPERS to begin the actuarial analyses required to terminate the City’s contract for retirement benefits.~~

~~Reference: **Jim Becklenberg, Director of Management and Budget**~~

~~Recommended Action: **Approve the Resolution of Intent**~~

COUNCIL ACTION: No action was taken as this item was removed from the Agenda during the Approval of the Agenda. The Council heard Public Comment on the issue.

PUBLIC COMMENT

- **Nancy Jacobs** commented that the Council needed to hear the input of people who would be effected by any change in the retirement system and that negotiations in the Union would be needed, as well.
 - **David Myers**, stated that he was a retiree from the City on CalPERS and noted that cities larger than Pacific Grove had not fared well when changing retirement systems and that it could affect the City’s employee recruitment ability.
- B. **Resolution No. 08-023:** Consider a Resolution of Intention to Levy an Assessment for the Downtown Business Improvement District (BID)
- The Council will consider a Resolution of Intention to levy an assessment for the downtown Business Improvement District (BID). This does not authorize the assessment but signals the City Council’s intent to form the District and call for a public hearing on June 18, 2008.*
- Reference: Jim Becklenberg, Director of Management and Budget**
- Recommended Actions:**
1. **Appoint the BID Advisory Board for Fiscal Year 2008/09; and**
 2. **Adopt the attached Resolution of Intention to levy an assessment for the Downtown Business Improvement District for FY 2007/08.**
- Moe Ammar, President of the Pacific Grove Chamber of Commerce, informed the Council that due to the fact that as a result of the recent BID election, Mitch Davis had replaced Susan Anderson on the BID Advisory Board and requested the Resolution reflect this change.**
- COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, with Council Member Davis**

absent, Council moved the recommended actions and further directed that the Resolution be changed to indicate Mitch Davis as Advisory Board member, replacing Susan Anderson.

- C. Receive Presentation from the Economic Advisory Committee on the 2007 Strategic Plan, Provide Direction to Staff to Trademark the Terms “Most Romantic City,” “Most Romantic Town,” and “Most Romantic Place”, Approve the Installation of Two 17 Mile Drive Directional Signs Along Grand and Fountain Avenues, and Approve the Extension of the Rats to Riches Car Show Through October, 2008

Members of the Economic Advisory Committee (EAC) will present a Strategic Plan for the City to the Council. Following the presentation, Council will be asked to take several recommended actions.

Reference: City Manager Colangelo

Recommended Actions:

1. **Approve the EAC 2007 Strategic Plan; and**
2. **Direct staff to complete the proceedings to trademark the terms “Most Romantic City,” “Most Romantic Town,” and “Most Romantic Place;” and**
3. **Approve the installation of a 17 Mile Drive directional sign on both Grand and Fountain Avenues, north of Lighthouse Avenue; and**
4. **Approve the extension of the Rats to Riches Car Show through October, 2008**

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Cohen, and carried, with Council Member Davis absent, Council moved the recommended actions.

PUBLIC COMMENT

- **Moe Ammar** shared several interesting laws still on the books and recommended these be reviewed and changed and/or eliminated to avoid potential discouragement of new businesses coming to the City.
- **Nancy Jacobs** suggested a contest inviting local artists to create a poster promoting the City.

- D. Hold the First Reading of an Ordinance of the City Council of the City of Pacific Grove Adding Section 23.64.055 of the Pacific Grove Municipal Code to Allow Public Gatherings in the Public Street Rights-of-Way Within the Downtown (D) Designation Area on the General Plan Land Use Map

The Council will hold the first reading of an Ordinance adding Section 23.64.055 of the Pacific Grove Municipal Code to allow public gatherings in the public street rights-of-way within the downtown (D) designation area on the General Plan Land Use Map. The Council may approve or reject the first reading of the Ordinance. If approved, the Ordinance shall be published and a second reading shall be set at the next Council meeting.

Reference: Lynn Burgess, Chief Planner

Recommended Action: Hold first reading of the Ordinance

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Cohen, and carried, with Council Member Davis absent, Council moved the recommended action.

PUBLIC COMMENT

- **Iris Peppard**, Everyone's Harvest, expressed support of the Ordinance and further announced that the Pacific Grove Farmer's Market would be located on Lighthouse Avenue between 17th Street and 18th Street.

- E. Receive a Report on the Proposed Concept Plan for the Bath House Revitalization Project and Provide Direction to Staff

The Council will receive a report on the proposed concept for the Bath House Revitalization Project and provide direction to staff on concept and implementation of the proposed project.

Reference: Sarah Hardgrave, Senior Planner

Recommended Actions:

1. Receive a report on the proposed concept for the Bath House Revitalization Project; and
2. Provide direction to staff on concept and implementation of the proposed project.

COUNCIL ACTION: Upon motion of Council Member Bennett, seconded by Council Member Stilwell, and carried, with Council Member Davis absent, Council moved the recommended actions.

- F. Sewer System Update; Capital Improvement & Maintenance

Council will receive a report providing a narrative of activities related to maintenance of the City's sanitary sewer system and a financial report.

Reference: Celia Perez Martinez, Business Manager

Recommended Action: Receive the Report

COUNCIL ACTION: Upon motion of Council Member Stilwell, seconded by Council Member Nilmeier, and carried, with Council Member Davis absent, Council moved the recommended action.

- G. **Resolution No. 08-024:** Consider the Adoption of a Resolution in Support of Measure U – Increasing the Sales Tax by One Percentage Point

The Council will consider the adoption of a Resolution in support of Measure U – Increasing the Sales Tax by One Percentage Point, which will be on the June 3, 2008 ballot. By adopting the Resolution Council thereby formally endorses the measure.

Reference: Council Member Bennett

Recommended Action: Adopt the Resolution

Council Member Bennett noted that the Resolution incorrectly identified the sales tax increase as one percent and that it needed to be changed to show one percentage point.

COUNCIL ACTION: Upon motion of Council Member Miller, seconded by Council Member Bennett, and carried, with Council Member Davis absent, Council moved the recommended action with changes as indicated.C

PUBLIC COMMENT

- **Jeanne Graham** cautioned the Council regarding the possibility of City employees being perceived as endorsing a ballot measure and being subject to possible litigation as a result.
- **Joe Brookshire**, Friends of the Library, conveyed the group’s support of Measure U and expressed their hope of the Library benefitting from any resulting funds should the measure pass.
- **John Fisher** added his support of Ms. Graham’s comments and further noted that the City Attorney had advised the Council regarding City employees endorsing a ballot measure during the previous election.

City Attorney Laredo noted that the City Charter references “advertisement” and the use of public funds and that the Resolution was merely a statement of position by the Council.

8. **REPORTS OF COUNCIL MEMBERS**

A. Meeting Reports

- Association of Monterey Bay Area Governments (AMBAG)
 - **Council Member Stilwell** announced that the last meeting had been held as a luncheon in Gonzales at the Blackstone Wineries.
- Community Human Services (CHS)
 - **Council Member Cohen** informed the Council that CHS had held their annual strategic planning retreat. He indicated that while they were not sure of having sufficient operating funds, they would continue to do the best they could with what they have and further stated that they would be reporting to the Council at a future meeting.
- Executive Committee, Monterey Bay Division, League of California Cities
 - **Mayor Cort** indicated that the next meeting would be the first week of June 2008 and that updates on Propositions 98 and 99 are available.
- Fort Ord Reuse Authority (FORA)
 - **Council Member Davis absent; no report given.**
- Monterey County Convention & Visitors Bureau (MCCVB)
 - **Council Member Bennett** announced that the meeting had been that afternoon previous to the Council meeting. She indicated that the Council needed to appoint a “point person” who would be responsible for getting materials to MCCVB that are City specific and further noted that the MCCVB website was consistently improving as a resource to its members.
- Monterey Regional Water Pollution Control Agency, JPA (MRWPCA)
 - **Mayor Cort** announced there would be a retreat on May 23, 2008 and that the discussion would include recycled water.
- Monterey-Salinas Transit (MST)
 - **Council Member Stilwell** informed Council that at the May 12, 2008 meeting the Board authorized MST staff to enter into a contract for

minivans for the benefit of the disabled. However the state fiscal budg there was a reduction in funds to MST which jeopardizes

- Transportation Agency for Monterey County (TAMC)
- **Council Member Miller** announced there would be a meeting the following week. He further informed the Council of a recent meeting he attended of the Emergency Dispatch Center Policy Committee regarding the updating of the radio band used by the Emergency Dispatch Center the cost of which will be shared by all cities in the County.

B. Reports on Trips, Conference Attendance, and Meetings (AB 1234)

- **Mayor Cort** reported on his trip to Albuquerque, New Mexico, to attend a conference where he gave a lecture and presented a paper on Pacific Grove’s activities relating to sustainability.

9. ITEMS REMOVED FROM CONSENT AGENDA
None

10. CLOSED SESSION

(Public comment will be invited prior to the Council going into Closed Session. Comments from the audience will not receive Council action and must deal only with items on the current Closed Session list.)

REMOVED FROM CLOSED SESSION

- A. ~~Pursuant to California Government Code Section 54956.8, Council will meet in Closed Session with its Real Property Negotiator, Jim Colangelo, regarding Chatauqua Hall~~
- B. Pursuant to California Government Code Section 54957.6 Council will meet in Closed Session with its Designated Representative, James J. Colangelo, Regarding Labor Negotiations: General Employees Association, Local No. 790.

11. PUBLIC ANNOUNCEMENT OF ACTION TAKEN IN CLOSED SESSION

(Following Closed Session, the Council shall reconvene in open session, prior to adjournment, and make disclosures as required by Government Code sections 54957.1 and 54957.7. If this announcement is made in the City Manager’s Conference Room, public participants shall be invited for the purpose of hearing the announcement. Alternatively, the Council may reconvene in the City Council Chambers to enable the public to hear the announcement.)

Nothing to report

ORDER FOR ADJOURNMENT

Respectfully Submitted,
Ann D. O’Rourke
Ann D. O’Rourke, Deputy City Clerk

APPROVED BY MAYOR: _____ Date _____

ATTEST BY CITY CLERK: _____ Date _____